

Item No.07:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

(Through Video Conference)

Original Application No.312 of 2024(SZ)

IN THE MATTER OF:

Tribunal on its own motion **SUO MOTU**
based on the news item in The New Indian
Express, Chennai Edition dt: 17.12.2024, titled
**“Kerala’s Medical waste dumped in Nellai
Villages”**.

With

The Principal Secretary to Government of Tamil Nadu, Department of
Environment, Climate Change and Forests, Chennai and Ors.

...Respondent(s)

Date of hearing: 02.01.2025.

CORAM:

HON’BLE Smt. JUSTICE PUSHPA SATHYANARAYANA, JUDICIAL MEMBER

HON’BLE Dr. SATYAGOPAL KORLAPATI, EXPERT MEMBER

For Applicant(s): Suo Motu.

For Respondent(s): Dr. D. Shanmuganathan for R1& R2.
Mr. S. Sai Sathya Jith for R3. Mr.
E.K. Kumaresan along with Mr. G.
Vignesh for R4 & R5.
Mrs. Niveditha S Menon represented Mrs.
V.K. Rema Smrithi for R6.
Mr. T.K. Ananda Padmanabhan for R8.

ORDER

1. Today, the reports from the Member Secretary – Kerala State Pollution Control Board, Tamil Nadu Pollution Control Board and also the action taken report of the Secretary - Environment Department, State of Kerala are before us.

2. Mr. E.K. Kumaresan, the learned counsel appearing for the State of Kerala has stated that pursuant to the order passed by this Tribunal, waste dumped illegally inside the State of Tamil Nadu has been removed by the State of Kerala.

3. It is further reported that at the intervention of the Chief Secretary to Government, State of Kerala, an urgent meeting with the relevant stakeholders was held on 19.12.2024 and considering the seriousness of the matter, a team of officials from the State of Kerala, including from Kerala SPCB, Thiruvananthapuram Corporation and Experts from M/s. Indian Medical Association Goes Eco-Friendly (**IMAGE**) was directed to conduct a joint inspection at the sites in Tirunelveli and to assess the quantity of the waste. Accordingly, they inspected the subject areas and thereafter, the wastes dumped at the different locations were removed under the supervision of the officials from the State of Kerala.

4. Surprisingly, the report filed by the State of Kerala is silent about the quantity of waste removed from the sites, though the team had come to assess the quantity.

5. The Kerala SPCB issued a notice of intention to revoke the consent on 19.12.2024 to **(i)** M/s. Regional Cancer Centre, Thiruvananthapuram, **(ii)** M/s. Credence Hospital, **(iii)** M/s. Kovalam Resorts Private Limited (The Leela Kovalam, A Raviz Hotel) and **(iv)** also on 20.12.2024 to M/s. Sunage Eco Systems Private Limited.

6. Though the show cause notices had been given 07 days' time, what happened thereafter is not stated in the report filed by the Kerala SPCB.

7. Today, Mr. T.K. Ananda Padmanabhan, the learned counsel who entered appearance on behalf of the 8th Respondent (M/s. Credence Hospital) states that he has already given a reply to the Kerala SPCB within the time granted, but the enquiry is yet to be conducted.

8. The learned counsel appearing for the State of Kerala would also state that serious action will be taken against the violators. However, so far, no action has been taken.

9. We are given to understand that M/s. IMAGE is the only authorized agency for handling biomedical waste in the State of Kerala. However, the Kerala SPCB has not issued any notice to the said agency for the above referred illegal dumping within the State of Tamil Nadu and the reason for the same is also not mentioned. When admittedly, it is the only authorized agency in the State of Kerala, nowhere it is stated that any other agency had handled the biomedical waste referred in this case.

10. While so, let the Kerala SPCB furnish their explanation for not issuing notice to the said agency viz., M/s. IMAGE.

11. Surprisingly, the report of the State of Kerala states that they had a high-level meeting and conducted the joint inspection along with the experts from M/s. IMAGE, who is the alleged violator in this case.

12. Let the Secretary – Environment Department, State of Kerala file another report, answering the above queries raised by this Tribunal.

13. The duty of the authorities is not stopped by issuing only the show cause notice. After further enquiry, the same should be brought to a logical conclusion. Knowing the seriousness of the issue, where two states are involved, the authorities have simply stopped by issuing only a show cause notice and have not carried forward. The show cause notice issued for revoking the consent with the timeline is also over. The violators are permitted to operate without any hindrance because of the inaction by the authorities. While presuming that two of the institutions are health care facilities which could not be disturbed, the other institutions which are only private resorts, they could have been stopped from further operation till such time an order is passed by the Kerala SPCB after enquiry.

14. To be noted is that, this is not the first instance of dumping waste in the neighbouring State. The report of the Kerala SPCB also states that they have paid the expenditure

incurred by the State of Tamil Nadu for handling the waste illegally dumped on an earlier occasion near Nanguneri in Tirunelveli District.

15. Already, this Tribunal had directed the Central Pollution Control Board (CPCB) to intervene in this issue and advice the State Pollution Control Boards in handling the biomedical and other wastes in order to avoid dumping in the neighbouring States. Though the CPCB had earlier stated that they are in the process of issuing the SOP in this regard, we are not sure whether the same has been finalized and circulated to all the SPCBs/PCCs for follow-up. The CPCB is not a party to this proceeding, however, they are directed to issue the SOP/Guidelines in this regard, at the earliest and circulate to all the SPCBs/PCCs.

16. While so, today, the learned counsel appearing for the State of Tamil Nadu stated that on 23.12.2024, the Tamil Nadu Police seized 04 huge trucks stuffed with food and fish wastes and one vehicle loaded with human excreta in the district of Kanyakumari. Reportedly, the vehicle is coming from Kerala. The said vehicles were stopped by the State Police near Kaliyakkavilai and an initial probe into the matter revealed that the vehicles were on their way to Kanyakumari from the Thiruvananthapuram district of Kerala. This also adds to the agony to show that these kinds of violations are recurring in the border states.

17. It is high time for both the States to take appropriate action in this regard, Kerala - to stop sending waste of any kind to the neighbouring state and Tamil Nadu - to strengthen the border securities by constituting a Special Task Force.

18. Let the matter be listed on **20.01.2025** for filing an additional report by the authorities with reference to the action taken and the outcome of the same in this regard. If no satisfactory action is taken by the authorities concerned, appropriate directions will be issued by this Tribunal, which may not be palatable to the authorities.

Sd/-

Smt. Justice Pushpa Sathyanarayana, JM

Sd/-

Dr. Satyagopal Korlapati, EM

O.A. No.312/2024(SZ)
02nd January, 2025. AD.

